

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-8 and 10-45 are pending in the application, with claims 1, 7, 14, 20, 30, 39 and 45 being the independent claims.

In the Office Action dated February 17, 2005, claims 1, 7, 20, 30 and 45 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Stringer-Calvert et al., U.S. Patent Publication No. 2002/0055989 A1 (hereafter, "Stringer-Calvert '989"). Claims 2-6, 8, 10-19, 21-29 and 31-44 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Stringer-Calvert '989 in view of Traversat et al., U.S. Patent Publication No. 2002/0188657 A1 (hereafter, "Traversat '657"). Claims 1, 7, 20, 30 and 45 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Goren et al., U.S. Patent Publication No. 2002/0143960 A1.

The rejections of claims 1, 7, 20, 30 and 45 based on Stringer-Calvert et al.

Claims 1, 7, 20, 30 and 45 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Stringer-Calvert '989. These rejections are respectfully traversed. The present application claims priority to Provisional Patent Application No. 60/279,335, filed on March 28, 2001. Stringer-Calvert '989, on the other hand, was filed on April 26, 2001, which is after the priority date of the present application. Thus, Stringer-Calvert '989 is not, by itself, an effective reference against the present application.

Stringer-Calvert '989 claims priority to two provisional applications, Provisional Application No. 60/247,184, filed on November 9, 2000 ("Stringer-Calvert '184"), and Provisional Application No. 60/247,488, filed on November 8, 2000 ("Stringer-Calvert '488"), both of which are available on PAIR. Since these two provisional applications have filing dates prior to the effective filing date of the present application, their disclosure will be addressed below.

The Office Action relies on Stringer-Calvert '989 for a disclosure of a plurality of Virtual Private Networks (VPNs), and a master node that controls VPN membership of a collaborative group (see page 3 of the Office Action). Of the two provisional applications, Stringer-Calvert '184 does not disclose anything about VPNs, and the term itself is not mentioned anywhere in Stringer-Calvert '184. In fact, the entire document appears to be a collection of several unrelated documents that have little connection to the present application. Thus, Stringer-Calvert '184 cannot be used to support a § 102 rejection as disclosing either Virtual Private Networks or master nodes (even assuming, *arguendo*, that these elements have relevance to the present application).

The other provisional application, Stringer-Calvert '488, is also a collection of several documents. One of these documents discusses VPNs, but in a context that is directly opposite of what is claimed in, e.g., claim 1. Specifically, Applicants invite the Examiner's attention to a page labeled "page 5 of 48" in Stringer-Calvert '488, which states the following:

By distributing the group management task against edge nodes of a content distribution network, the solution is more scalable than traditional VPNs, which require a single

“master” node. In a very large participation VPN, this can be a significant bottleneck.

By not having a single “master” node in the VPN, we eliminate the problem of the user at the master node leaving the VPN (or becoming unavailable) - handoff/takeover of master responsibility is not necessary, as this is handled in the edge network. (Emphasis added.)

In other words, Stringer-Calvert ‘488 expressly rejects the use of a master node, even assuming, *arguendo*, that a master node is equivalent to a control center claimed in, for example, claim 1 (which it is not).

Thus, based on at least the above discussion, Stringer-Calvert ‘488 does not anticipate any of the claims of the present application.

Furthermore, Applicants believe it would be useful to address the differences between the VPNs of Stringer-Calvert ‘488 (or Stringer-Calvert ‘989) and the Virtual Environments that are disclosed and claimed in the present application. VPNs are generally defined in the art as follows: “The use of both private and public networks to create a network connection is called a virtual private network (VPN)” (see, e.g., http://www.microsoft.com/windowsxp/home/using/productdoc/en/default.asp?url=/windowsxp/home/using/productdoc/en/conn_vpn.asp). A typical VPN uses encryption in the lower protocol layers to provide a secure connection through an otherwise insecure network (see <http://www.hyperdictionary.com/computing/virtual+private+network>). A VPN is an encrypting part of the network stack implementation on layer 2, 3, 4 or 5 in terms of Network Protocols OSI model. A VPN can therefore be viewed as a transmission channel, or as a transport mechanism.

A Virtual Environment is an entirely different concept. An "environment" is a set of software and optional hardware elements for executing ("running") the software and for handling data associated with this software. The term "virtual" in the context of a Virtual Environment differs from the "virtual" in the context of VPNs, because a VPN is a data transport mechanism that is not intended for object execution.

The Virtual Environments of the present invention, in contrast, support execution or running of processes and applications on a computer or a node (or a cluster of nodes)--a VPN does not. Thus, conceptually, VPNs and Virtual Environments, as recited in claim 1, have nothing in common.

Applicants therefore respectfully request reconsideration and withdrawal of the § 102 rejections based on Stringer-Calvert '989.

§ 103(a) Rejections Based on a Combination of Stringer-Calvert et al. and Traversat et al.

Claims 2-6, 8, 10-19, 21-29 and 31-44 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable based on a combination of Stringer-Calvert '989 and Traversat '657. These rejections are respectfully traversed.

Stringer-Calvert '989, the primary reference, is addressed above. Based on the discussion above, all of the dependent claims that stand rejected under 35 U.S.C. § 103(a) are also allowable.

The § 102(e) rejections of claims 1, 7, 20, 30 and 45 based on Goren et al.

Turning now to the rejections based on Goren, Applicants respectfully submit that, similar to Stringer-Calvert above, the Office Action is again

conflating the concepts of a transmission mechanism that connects the various networked entities, and a cluster on which Virtual Environments run.

Illustrative of what Goren understands by its terminology is the following passage from paragraph 52:

The VNG system does not merely provide a host device with a node-to-network link, but rather supplies the network environment itself. **PNC work groups are actually clusters of secure tunnels** managed by, preferably, a central server (i.e., PNC data packet switch server 20) connecting the different nodes to form different virtual network segments (i.e., PNCs).

In other words, as this passage demonstrates, the “PNCs” are the infrastructure elements (a collection of “secure tunnels”) connecting nodes of a network. They are not Virtual Environments, they do not run on a cluster, and no user applications run within them. PNCs and Virtual Environments are entirely different concepts, and an attempt to draw an analogy between the two is incorrect.

Applicants therefore respectfully request reconsideration and withdrawal of the § 102 rejections based on Goren et al.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for

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any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'G. Bardmesser', with a stylized, cursive script.

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